

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRECK SMITH,

Petitioner,

vs.

ANTHONY SCILLIA, *et al.*,

Respondents.

2:10-CV-01596-PMP-PAL

ORDER DISMISSING PETITION

This is an action initiated by Breck Smith, a state prisoner, who has submitted a petition for writ of habeas corpus and an application to proceed *in forma pauperis*. Based on the financial information submitted with the latter submission, the application was denied and Smith was directed to pay the \$5 filing fee or renew his application for *in forma pauperis* status showing a change in his financial condition. Despite being given additional time to comply with the Court's order, Smith has neither paid the filing fee or renewed his application.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice. The Clerk shall enter judgment accordingly.

DATED: November 17, 2010.



PHILIP M. PRO  
United States District Judge